

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA, : 18-CR-00530 (GRB)
:
v. : 100 Federal Plaza
: Central Islip, New York
CHRISTOPHER McCOY, :
: October 9, 2018
Defendant. :
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TRANSCRIPT OF CRIMINAL CAUSE FOR BAIL HEARING
BEFORE THE HONORABLE GARY R. BROWN
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government: LARA TREINIS GATZ, ESQ.
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Eastern District of New York
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Central Islip, New York 11722

For the Defendant: EDWARD V. SAPONE, ESQ.
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Proceedings recorded by electronic sound recording, transcript
produced by transcription service.

1 (Proceedings began at 2:07 p.m.)

2 THE CLERK: Calling case criminal 2018-530, USA v.
3 Christopher McCoy.

4 Counsel, please state your appearance for the
5 record.

6 MS. GATZ: Good afternoon, Your Honor. Lara Treinis
7 Gatz for the United States.

8 THE COURT: Good afternoon, Ms. Gatz.

9 MR. SAPONE: Good afternoon, Your Honor. Edward
10 Sapone for Christopher McCoy who's seated to my right and
11 ready for a change of plea, Your Honor.

12 THE COURT: Excellent. Mr. Sapone, good to see you
13 again. Mr. Sapone, are you retained or appointed in this
14 matter?

15 MR. SAPONE: I'm retained, Your Honor.

16 THE COURT: Very good. Thank you. Ms. Gatz, what
17 are we doing today?

18 MS. GATZ: Your Honor, the Government has filed an
19 information which has been randomly assigned to the Court and
20 I would ask the Court to -- that's CR-18-530. I'd ask the
21 Court to acknowledge the filing of the information and set the
22 defendant's guilty plea today, the one count information.

23 THE COURT: Okay. Very good. So, Mr. McCoy, I just
24 want to cut you a few preliminary matters. Have you had
25 enough time to talk to your attorney and do you understand

1 what's going on here today?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Ms. Gatz, is this an initial appearance?

4 MS. GATZ: It is not, Your Honor.

5 THE COURT: Is not, okay. So, sir, you've executed
6 a document or you appeared to have executed a document called
7 consent to proceed before a magistrate judge. This is your
8 signature, yeah?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Okay. So understand what that means is
11 what you're doing by signing this I'm a magistrate judge.
12 There are judges in this building known as district judges who
13 are congressionally appointed. By signing this you're
14 agreeing to have your case proceed in front of me. Do you
15 understand that and is that okay with you?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Good. Then I will execute this.

18 Now, we have a waiver of indictment form. Is there
19 a right to an indictment here?

20 MS. GATZ: There is not, Your Honor. And secondly,
21 he doesn't have to waive the right to a district judge either
22 for the plea because the Court can in the first instance take
23 the plea but I think in excess of --

24 THE COURT: I'm not sure about that but it doesn't
25 matter.

1 Let me just go through the indictment thing, sir.
2 It's clear -- I don't believe you have the right to a grand
3 jury proceeding in an indictment. If you did what that would
4 mean is the Government would have to present your case to a
5 grand jury. They would make a determination about probable
6 cause and sometimes they find there's no probable cause. You
7 should know that. I'm not sure you're entitled to it but by
8 signing this you're indicating that even if you're entitled to
9 it we're letting that go. Is that right?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: All right. Very good. Thank you. So I
12 will execute those two documents. All right.

13 Sir, I'm going to go through a couple of questions
14 with you.

15 MS. GATZ: Your Honor, I also just note something
16 before we do and I'd like to hand up the original plea
17 agreement. In the original agreement the Government indicated
18 the defendant would have to register a sex offender under
19 SORNA.

20 THE COURT: Yes, I was going to ask about that.

21 MS. GATZ: Upon further research by Mr. Sapone given
22 the nature of the actual charge that the defendant is
23 intending to plead guilty to he does not have to register
24 under federal or state law. That's our best understanding at
25 this point.

1 THE COURT: Okay. So we will strike that from the
2 agreement then. All right.

3 So, sir, before proceeding with the plea there are
4 some questions I have to ask you to assure myself that it is a
5 valid plea. If you don't understand any of my questions just
6 say so and I'll rephrase or reword the question. Do you
7 understand?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. I'm going to ask my clerk to
10 swear in you. Could you just stand up for a moment, please?

11 THE CLERK: Please raise your right hand.

12 Christopher McCoy, Defendant, Sworn

13 THE COURT: Have a seat. Sir, do you understand
14 that having been sworn the answers that you give to me this
15 afternoon will be subject to the penalties of perjury or a
16 different crime that we call making a false statement if you
17 don't answer truthfully? Do you understand that?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: All right. How old are you, sir?

20 THE DEFENDANT: 40 years old.

21 THE COURT: Are you a citizen of the U.S.?

22 THE DEFENDANT: Yes.

23 THE COURT: How far did you go in school?

24 THE DEFENDANT: College graduate.

25 THE COURT: Have -- are you presently or have you

1 recently been under the care of a physician or psychiatrist?

2 THE DEFENDANT: No, sir.

3 THE COURT: In the past 24 hours have you taken any
4 narcotics, drugs, pills, medicine of any kind or had any
5 alcoholic beverages?

6 THE DEFENDANT: No, sir.

7 THE COURT: Have you ever been hospitalized or
8 treated for narcotics addiction?

9 THE DEFENDANT: No.

10 THE COURT: Is your mind clear today?

11 THE DEFENDANT: Yes.

12 THE COURT: Are you confident that you understand
13 what's going on here?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: I'm going to ask your attorney a couple
16 of questions. Counsel to you, have you discussed this matter
17 with your client? Have you discussed it with your client?

18 MR. SAPONE: I have, Your Honor.

19 THE COURT: Does he understand the rights that he'd
20 be waiving by entering a guilty plea?

21 MR. SAPONE: He does, Your Honor.

22 THE COURT: And is he capable of understanding the
23 nature of these proceedings?

24 MR. SAPONE: Yes, Your Honor.

25 THE COURT: Do you have any doubt in your mind

1 whatsoever as to his competence to proceed?

2 MR. SAPONE: No doubt whatsoever.

3 THE COURT: Have a seat. Sir, back to you. First
4 of all, you have the right to plead not guilty and if you
5 enter a not guilty plea which I think already happened, you
6 can stand by that not guilty plea. You understand that;
7 right?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Okay. If you plead not guilty under the
10 constitution and laws of the United States you're entitled to
11 a speedy and public trial by a jury with the assistance of
12 counsel on the charges. Do you understand?

13 THE DEFENDANT: Yes.

14 THE COURT: I know today that you brought retained
15 counsel with you. If for some reason you didn't have enough
16 money to continue to pay him counsel would be appointed for
17 you. Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: At the trial you would be presumed to be
20 innocent and the Government would have to overcome that
21 presumption and prove you guilty by competent evidence and
22 beyond a reasonable doubt and you would not have to prove that
23 you were innocent, and if the Government failed the jury would
24 have the duty to find you not guilty. Do you understand?

25 THE DEFENDANT: Yes.

1 THE COURT: In the course of the trial witnesses for
2 the Government would have to come to court and testify in your
3 presence and your counsel would have a right to cross-examine
4 the witnesses for the Government, to object to evidence
5 offered by the Government and to offer evidence on your
6 behalf. Do you understand?

7 THE DEFENDANT: Yes.

8 THE COURT: If there were witnesses that could be
9 helpful to you that were reluctant to come to court or
10 documents that you needed that were difficult to get, your
11 attorney would have the right to subpoena those witnesses or
12 get an order directing the production of those documents to
13 help you in your defense. Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: At the trial while you would have the
16 right to testify if you chose to do you would not be required
17 to testify. Under the Constitution of the United States you
18 cannot be compelled to incriminate yourself. If you decided
19 not to testify the Court would instruct the jury that they
20 could not hold that against you. Do you understand?

21 THE DEFENDANT: Yes.

22 THE COURT: If you plead guilty and I ultimately
23 accept that plea you will be giving up your constitutional
24 rights to a trial and the other rights I've just discussed.
25 There will be no further trial of any kind and no right to

1 appeal or to collaterally attack at any time the question of
2 whether you're guilty or not. A judgment of guilty would be
3 entered on the basis of your guilty plea and that judgment can
4 never be challenged. Do you understand?

5 THE DEFENDANT: Yes.

6 THE COURT: You may, and I emphasize may, have the
7 right to appeal with regard to sentence but not as to the
8 guilty plea itself. Do you understand?

9 THE DEFENDANT: Yes.

10 THE COURT: Okay. If you plead guilty I will have
11 to ask you questions about what you did in order to satisfy
12 myself that you are guilty of the charge to which you seek to
13 plead guilty and you'll have to answer those questions and
14 acknowledge your guilt. Thus, you'll be giving up your right
15 not to incriminate yourself. Do you understand?

16 THE DEFENDANT: Yes.

17 THE COURT: Are you willing to give up your rights
18 to a trial and the other rights that I just outlined?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Okay. There's a document called a plea
21 agreement here. I believe I see your signature at the end.
22 Did you read this and review it with your attorney?

23 THE DEFENDANT: Yes.

24 THE COURT: Okay. I'm going to ask Ms. Gatz to
25 summarize the important portions of this for you. Would you

1 do that, please, Ms. Gatz?

2 MS. GATZ: Yes, Your Honor. Your Honor, the plea
3 agreement indicates that the defendant will waive indictment
4 to the extent that he has that right and plead guilty to this
5 information filed in this district that charges a violation of
6 civil rights. The count carries a maximum term of
7 imprisonment of one year and a minimum term of zero years, a
8 maximum term of supervised release of one year, and if that's
9 violated he could be sentenced up to a year without any credit
10 for pre-release imprisonment or time previously served on post
11 release supervision.

12 Specifically in this particular plea agreement, Your
13 Honor, the guideline range is the statutory maximum which is
14 one year. Notably in the agreement the defendant agrees to
15 plead guilty and agrees to jointly recommend to the Court that
16 the appropriate sentence in this matter is one year in
17 custody.

18 The defendant agrees that he's not a prevailing
19 party. He can't sue the Government. And all the other sort
20 of standard provisions apply and of course the officers agreed
21 in this agreement not to bring additional charges against the
22 defendant for any of the conduct that happened on the date in
23 question which I believe is March of 2017 -- March 16, 2017.

24 THE COURT: All right. And one more thing I'm going
25 to ask Ms. Gatz to do. We talk about the elements of a crime.

1 Those are the basic things that the Government would have to
2 prove in order to establish your guilt at trial if the matter
3 went to trial. Ms. Gatz, could you just outline what the
4 elements are here, please?

5 MS. GATZ: Yes, Your Honor. The Government would
6 have to prove that the defendant while acting under color of
7 law, and we understand that to mean to be a law enforcement
8 officer in this particular instance, knowingly and willfully
9 deprived Jane Doe of a right and privilege secured and
10 protected by the constitution and laws of the United States,
11 specifically the right to be free from a deprivation of
12 liberty with that due process of law which right includes the
13 right to bodily integrity by causing contact between Jane
14 Doe's mouth and the defendant's penis against Jane Doe's will.

15 THE COURT: Okay. So, sir, I just want to make sure
16 you understand those are the elements of the crime. This is
17 what the Government would have to prove if you went to trial.
18 Do you understand that?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: I assume you've discussed this as well
21 as the charging instrument and so forth with your attorney;
22 yes?

23 THE DEFENDANT: Yes.

24 THE COURT: I'm going to just run through -- I know
25 Ms. Gatz did this briefly but I just want to run through the

1 potential penalties here. Now, it looks like there's a one
2 maximum term of imprisonment with no minimum term of
3 imprisonment. Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: And there's a maximum supervised release
6 term of one year. Has somebody explained to you what
7 supervised release is?

8 THE DEFENDANT: Yes.

9 THE COURT: It's like a probation or parole. It
10 means you're out on your own, you finish whatever sentence
11 you're going to serve but you're still under the supervision
12 of the Court and if you violate certain rules, you don't
13 comply with certain conditions you can go back to jail here
14 for up to another year. Do you understand?

15 THE DEFENDANT: Yes.

16 MS. GATZ: There's a maximum fine of \$10,000. Do
17 you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: I don't think there's a minimum fine but
20 there is mandatory restitution. Ms. Gatz, what do you do with
21 that in this sort of case?

22 MS. GATZ: Your Honor, in this case the Court will
23 determine restitution if any at sentencing.

24 THE COURT: I understand that but what --

25 MS. GATZ: For example, the victim could come

1 forward and say she needed to attend therapy sessions in a
2 certain amount.

3 THE COURT: Okay. Okay. So there could be expenses
4 that may be charged to you as part of your sentence. Do you
5 understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: I can't estimate those for you now. I
8 don't know -- it might be zero. It might be something. I
9 don't know. Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: Okay. There's a \$25 special assessment
12 that you must pay. Do you understand that?

13 THE DEFENDANT: Yes.

14 THE COURT: And we've knocked out the other penalty
15 issues. So we don't need to talk about that.

16 I imagine you discussed with your attorney the
17 sentencing guidelines and other sentencing factors that the
18 Court must consider. With your attorney you had that
19 discussion; yes?

20 THE DEFENDANT: Yes.

21 THE COURT: Okay. So you understand then, sir, the
22 sentencing guidelines are not mandatory but that in sentencing
23 the Court is required to consider the applicable guideline
24 range along with the statutory factors listed in 18 U.S.C.
25 1353(a) and what that means is the Court will consider the

1 nature and circumstances of the offense and your criminal
2 history if any and your personal characteristics. Do you
3 understand?

4 THE DEFENDANT: Yes.

5 THE COURT: What that means is although in this
6 particular case the attorneys believe that the guidelines and
7 the statutory sentence are the same the only guarantee here is
8 that statutory sentence that you can't get more than a year
9 but that's the only guarantee you have. Do you understand?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: In formulating a sentence the Court must
12 consider other statutory factors including the seriousness of
13 the offense, just punishment, protection of the public from
14 additional criminal conduct by you and/or by others. Do you
15 understand all that?

16 THE DEFENDANT: Yes.

17 THE COURT: Okay. Sir, you realize that if the
18 sentence is more severe than you expect you will be bound by
19 your guilty plea and you will not be permitted to withdraw it.
20 Do you understand?

21 THE DEFENDANT: Yes.

22 THE COURT: Do you have any questions you'd like to
23 ask me about the charges, your rights, or anything else
24 related to this matter?

25 THE DEFENDANT: No, Your Honor.

1 THE COURT: Are you ready to proceed?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Okay.

4 MS. GATZ: Your Honor, I have to add one thing. I'm
5 sorry. In terms of an appeal the defendant has agreed to
6 waive his right to appeal if the Court sentences him to a year
7 or less. So he's essentially -- by operation of law he has a
8 very limited right to appeal under very limited circumstances.

9 THE COURT: Right. So Ms. Gatz's point is that as
10 to the sentence itself there's not much room, right, I mean
11 theoretically you could maybe appeal the fine or the
12 supervised release or something but as to the year you've
13 waived that. You understand that; yes?

14 THE DEFENDANT: Yes.

15 THE COURT: Okay. Counsel, do you know of any legal
16 reason why your client should not plead guilty?

17 MR. SAPONE: I do not, Your Honor.

18 THE COURT: Good. Back to you, sir, before I
19 proceed with the plea, are you satisfied with your legal
20 representation up to this point?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Does that mean you think your attorney
23 did a good job?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Okay. In that case, sir, then what is

1 your plea to the sole count of the information which
2 information again charges that violation of civil rights as
3 Ms. Gatz outlined earlier? What is your plea, guilty or not
4 guilty?

5 THE DEFENDANT: Guilty, sir.

6 THE COURT: Are you making that plea of guilty
7 voluntarily and of your own free will?

8 THE DEFENDANT: Yes.

9 THE COURT: Has anyone threatened you or forced you
10 to plead guilty?

11 THE DEFENDANT: No.

12 THE COURT: Other than the agreement with the
13 Government, which is as stated on the record is in this plea
14 agreement, has anyone made you any promises that caused you to
15 plead guilty?

16 THE DEFENDANT: No.

17 THE COURT: Has anyone made you a promise as to what
18 your sentence will be?

19 THE DEFENDANT: No.

20 THE COURT: In that case, sir, please describe in
21 your own words that you did in connection with the charge to
22 which you're pleading guilty to?

23 MR. SAPONE: Your Honor, may I have a moment,
24 please?

25 THE COURT: Sure.

1 [Pause in proceedings.]

2 THE COURT: Sir.

3 MR. SAPONE: So, Your Honor, Mr. McCoy and I have
4 prepared for his allocution and we actually wrote out his
5 statement. These are his words and his statement. May he
6 read his statement from the paper?

7 THE COURT: Of course.

8 MR. SAPONE: Thank you.

9 THE COURT: Absolutely. Any time you're ready, sir.

10 THE DEFENDANT: On or about March 16, 2017 during my
11 duties as a Suffolk County New York Police Officer I arrested
12 Jane Doe in Suffolk County. She was the subject of several
13 open arrest warrants. I transported her to the 1st Precinct
14 in Babylon. There while acting under color of law I knowingly
15 and willfully deprived Ms. Doe of her right to bodily
16 integrity, a right protected by the U.S. Constitution and laws
17 of the U.S. I used my position as a police officer to
18 persuade her to cause her mouth to make contact with my penis
19 while in custody at the precinct and she felt she did not have
20 a choice.

21 THE COURT: Is that sufficient, Ms. Gatz?

22 MS. GATZ: Your Honor, the victim would testify she
23 felt that this was against her will. While she didn't express
24 it overtly in terms of loudly protesting that this was against
25 her will I think it's appropriate for the defendant to say he

1 did not have her consent.

2 THE COURT: I'm sorry. You think it's
3 inappropriate?

4 MS. GATZ: Appropriate for him to -- to ask the
5 Court of the defendant whether or not he had her consent.

6 THE COURT: I thought he said that but I will ask
7 that question anyway.

8 Did you have her consent to do this, sir?

9 THE DEFENDANT: No.

10 THE COURT: Anything else, Ms. Gatz?

11 MS. GATZ: No, Your Honor.

12 THE COURT: All right. Counsel, would you like to
13 add anything to that?

14 MR. SAPONE: No thank you, Your Honor.

15 THE COURT: All right. In that case I'm going to
16 ask Ms. Gatz to outline the proof the Government would have
17 offered had this matter gone to trial.

18 MS. GATZ: Yes, Your Honor. Jane Doe would have
19 testified to the events as described by the defendant in that
20 she was arrested and in the precinct she was subject to oral
21 sex without her consent.

22 THE COURT: Okay. And we got venue; right? We know
23 where that happened?

24 MS. GATZ: Yes, Your Honor. It happened in Suffolk
25 County and there is medical -- actually the FBI lab and I

1 don't think they call themselves serologists any more but the
2 FBI lab would confirm that semen from the defendant was
3 present on Jane Doe's shirt after the incident.

4 THE COURT: Okay. And let me just go back to the
5 defendant for a second. I don't know if you gave me a date
6 but this all happened in or around March of 2017?

7 THE DEFENDANT: Yes.

8 THE COURT: Okay.

9 THE DEFENDANT: March 16, 2017.

10 THE COURT: Okay. Ms. Gatz, anything else you want
11 to add?

12 MS. GATZ: Nothing, Your Honor. Thank you.

13 THE COURT: Counsel, anything else you want to add?

14 MR. SAPONE: Just that this is a misdemeanor
15 offense, Your Honor.

16 THE COURT: I'm well aware, Counsel. Thank you.

17 MR. SAPONE: Thank you.

18 THE COURT: So based upon the information provided
19 to me I find the defendant is acting voluntarily, fully
20 understands his rights and the consequences of the plea and
21 that there's a factual basis for the plea. I therefore accept
22 the plea of guilty to the sole count of the information.

23 All right. A few other housekeeping matters. What
24 are we doing in terms of sentencing?

25 MS. GATZ: Your Honor, I'd ask the Court to order a

1 presentence investigation report, and I don't know if it's
2 your practice to set a specific date. As of now you are
3 assigned to this matter for all purposes. So I don't know if
4 your practice is to set a sentencing date or not.

5 THE COURT: I think we will. How much time do we
6 need for a presentence report? Do we know?

7 MR. SAPONE: Your Honor, I think that probation is
8 backed up on presentence investigations. I spoke with them on
9 other matters and they informed me of such that they're many
10 months behind. In addition, I'd like to prepare a complete
11 sentencing memorandum with exhibits.

12 THE COURT: Absolutely.

13 MR. SAPONE: So as much time as the Court would
14 allow I'd appreciate.

15 MS. GATZ: I think we're moving on four to six
16 months is the time frame for probation, Your Honor.

17 THE COURT: Wow. Okay. So, Carol, what do we got
18 in four to six months? Let's do it this way. Let's set it
19 out for four months and if it's -- we're not there yet we can
20 always -- I will readily grant additional time if we need it.

21 THE CLERK: February 20th.

22 THE COURT: February 20th at ten a.m.

23 MS. GATZ: Is that President's week?

24 THE COURT: I don't know.

25 MR. SAPONE: President's Day is the 18th.

1 MS. GATZ: So can we go to the end of February,
2 please?

3 THE CLERK: Sure. The 27th.

4 MS. GATZ: That's fine. February 27th.

5 MR. SAPONE: Yes, Your Honor.

6 THE COURT: Ms. Gatz obviously takes presidents very
7 seriously. It's an important thing. I'm not going to
8 interfere with that. So the 27th.

9 MS. GATZ: At eleven -- is it 11:00? Is that a good
10 time?

11 THE CLERK: Sure.

12 THE COURT: Sure. Good for you, Counsel?

13 MR. SAPONE: Yes, Your Honor.

14 THE COURT: Sir, in the interim you are going to
15 have to be in touch with your attorney quite frequently.
16 There's a lot of information that's needed for the presentence
17 report. Make sure you just keep in touch with your attorney
18 and make sure you know where you're supposed to be and when.
19 Okay?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: All right. I have a sealing envelope in
22 front of me. Is that for a particular purpose?

23 MS. GATZ: No.

24 THE COURT: There's no application?

25 MS. GATZ: No.

1 THE COURT: Okay. Very good.

2 MS. GATZ: Thank you.

3 THE CLERK: So this case isn't sealed any more?

4 MS. GATZ: Yes. To the extent that it is sealed I
5 move to have it unsealed. I did not --

6 THE COURT: I'm not filing the information under
7 seal.

8 MS. GATZ: It was originally I think sealed with the
9 arrest warrant, Your Honor, but I believe or it should have
10 been unsealed after the arrest.

11 THE COURT: If it's not it is now.

12 MS. GATZ: I move to have it all unsealed. Thank
13 you.

14 THE COURT: Any objection?

15 MR. SAPONE: No, Your Honor.

16 THE COURT: Okay. So that's done. All right.
17 Anything else?

18 MS. GATZ: No, Your Honor. Thank you.

19 THE COURT: All right. Good luck.

20 MR. SAPONE: Have a nice day. Thank you.

21 THE COURT: See you in February.

22 (Proceedings concluded at 2:27 p.m.)

23 * * * * *

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1 I certify that the foregoing is a court transcript from
2 an electronic sound recording of the proceedings in the above-
3 entitled matter.

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6 Shari Riemer, CET-805

7 Dated: November 4, 2018
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